

Session was concluded, whereupon Senator Hicks moved that the Senate retire to its chamber.

President Pro Tem. A. B. Davidson put the motion on the part of the Senate, and it prevailed. The Senate then retired to its chamber.

IN THE SENATE.

Ex-Lieutenant Governor Browning called the Senate to order and in presenting Lieutenant Governor Neal, said:

EX-LIEUTENANT GOVERNOR BROWNING'S ADDRESS.

"SENATORS: I have presided over this body with a great deal of pleasure and carry away with me any thing but ill. I have received but consideration and kindness at the hands of the Senators. Instances of error committed are now gone to me, and these errors committed were not those of the heart. I have learned to love the Senators. I carry with me the best of feelings for them and return my thanks and wish for them the very best.

Senators, you have an onerous job on hand. You have many intricate questions to decide, but you have an able, an impartial and efficient presiding officer. I hope you will accord to him the kind and cordial feelings for him as for me. I know him to be one to be worthy, to be true, and I know him to be an honest man in every particular. So, Senators, I bid you a fond adieu and present you your Lieutenant Governor and presiding officer, Geo. D. Neal."

LIEUTENANT GOVERNOR NEAL'S ADDRESS.

Lieutenant Governor Geo. D. Neal, on taking the gavel, said:

GENTLEMEN OF THE SENATE: In assuming the gavel, I do so with the knowledge of the fact that one situated as I, will commit errors, but you, I hope, will take them as of the head and not of the heart. I shall try to treat every one on the floor alike. Every man has his personal friends and I have mine, and I shall appeal to them for advice. Let us enact good measures and do our best during the service. I believe Texas is on the era of a greater prosperity than she has ever had, and much of this prosperity depends upon the laws enacted by you, Senators. Let us conduct ourselves so that we can retire, when the others come, and reap a reward of well done, thou good and faithful servants.

"I now declare the Senate ready for

business," whereupon Senator Stafford offered the following resolution:

Whereas the Hon. James N. Browning this day retires as presiding officer of this body, therefore be it

Resolved, That we unanimously regret to sever our pleasant relations, both personal and official. We have ever found him able, fair and faithful as an officer, and sincere, courteous and kind as a friend; and in leaving us he carries the confidence, love and respect of all the Senate.

Read and adopted by a rising vote.

ADJOURNMENT.

On motion of Senator Faubian, the Senate, at 1:55, adjourned until 10 a. m., tomorrow.

SEVENTH DAY.

Senate Chamber,
Austin, Tex., Wednesday, Jan. 21, 1903.

Senate met pursuant to adjournment.

Lieutenant Governor Geo. D. Neal in the chair.

Roll call. Quorum present, the following Senators answering to their names:

Present—27.

Beaty.	Harper.
Brachfield.	Henderson.
Cain.	Hicks.
Davidson of	Hill.
DeWitt.	Lipscomb.
Davidson of	McKamy.
Galveston.	Morris.
Decker.	Patteson.
Douglass.	Paulus.
Faubion.	Savage.
Faulk.	Sebastian.
Faust.	Stafford.
Grinnan.	Willacy.
Hale.	Wilson.
Harbison.	

Absent.

Hanger.	Mills.
Martin.	Perkins.

Prayer by Chaplain, Rev. I. S. Davenport.

Pending the reading of the Journal of yesterday.

On motion of Senator Harbison, the same was dispensed with.

COMMITTEE REPORT.

Committee Room,
Austin, Texas, January 20, 1903.
Hon. Geo. D. Neal, President of the Senate.

SIR: Your Committee on Engrossed

Bills have carefully examined and compared

Senate bill No. 29, A bill to be entitled "An Act to amend Article 4223, Title LXXXVIII, of the Revised Civil Statutes of the State of Texas, relating to public printing,"

And find the same correctly engrossed.
PATTESON, Chairman.

BILLS AND RESOLUTIONS.

By Senators Beaty, Morris, and Lipscomb:

Senate bill No. 42, A bill to be entitled "An Act to authorize the International & Great Northern Railroad Company to purchase, own and operate as a part or parts of its line the railroad constructed, or to be constructed, of the Houston, Beaumont & New Orleans Railroad Company, and also the railroad constructed or to be constructed, of the Houston, Oaklawn & Magnolia Park Railway Company, or either of them, as defined in their respective charters, together with all franchises and property, incident or appertaining to said railroads or either of them, and to authorize said Houston, Beaumont & New Orleans Railroad Company, and said Houston, Oaklawn & Magnolia Park Railway Company each to sell its railroad as defined in its charter, together with all franchises and property, incident or appertaining thereto, to said International & Great Northern Railroad Company; and to authorize said International & Great Northern Railroad Company to issue and negotiate its bonds secured, or to be secured, by mortgage or mortgages, subject to the laws of the State of Texas governing the issuance and negotiation of bonds by railroad companies; and to authorize said International & Great Northern Railroad Company to construct, own and operate, as a part or parts of its lines, extensions and branches of said railroads, or either of them, under or as authorized by said Railroad Company, or any amendment thereof, made or to be made in pursuance of general laws of the State of Texas; to regulate reports relative to the railroads, franchises and property, authorized by this act; to be purchased and sold, and the operation thereof; and to prescribe the conditions upon which said purchases and sales shall take effect and be dependent; and to authorize said companies and each of them to execute all necessary contracts, agreements and conveyances to accomplish said purchases and sales."

Read first time, and referred to Committee on Internal Improvements.

By Senator Wilson:

Senate Joint Resolution No. 5, To amend Section 30, of Article 16, of the Constitution of the State of Texas.

Read first time, and referred to Committee on Constitutional Amendments.

EXCUSED.

On motion of Senator Beaty, Senator Decker was excused from attendance upon the Senate on yesterday, on account of important business.

Morning call concluded.

On motion of Senator Sebastian, the Senate took a recess for thirty minutes.

AFTER RECESS.

President Pro Tem Davidson of DeWitt, in the chair.

By unanimous consent the following bill was introduced:

By Senator Beaty:

Senate bill No. 43, A bill to be entitled "An Act to create the Sixtieth Judicial District of the State of Texas, in Jefferson county, additional to the Fifty-eighth Judicial District therein, to establish a court, provide for a judge and clerk of such new district, to regulate the venue of the courts of such respective districts, and the disposition of the jurisdiction, the boundaries and the terms thereof, and declaring an emergency."

Read first time, and referred to Committee on Judicial Districts.

HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas,

Wednesday, January 21, 1903.

Hon. Geo. D. Neal, President of the Senate.

SIR: I am directed by the House to inform the Senate that the House has passed the following:

TRIBUTE TO HON. JOHN H. REAGAN.

House Concurrent Resolution No. 3, expressing the high esteem in which the Hon. John H. Reagan is held by the people of Texas, citing his eminent public services throughout a long and useful career and congratulating him upon his retirement from public life cheered by the love and approbation of the people.

Whereas, The Hon. John H. Reagan, now President of the Railroad Commission of Texas, has announced his determination to retire permanently from official life after the 20th instant, and it seems proper that he should receive a

testimonial of the esteem in which he is held by the people; therefore,

SECTION 1. Be it resolved by the House of Representatives, the Senate concurring, that the Hon. John H. Reagan, during his long and chequered career as a citizen of the Republic and State of Texas, has merited and received the approbation of the people.

He was a surveyor, captain, justice of the peace, probate judge and lieutenant colonel of the Republic of Texas, a member of the Legislature, district judge and member of Congress before the Civil War, member of the secession convention of 1861 and postmaster general of the Southern Confederacy for four years, member of the constitutional convention of Texas in 1875; member of Congress for fourteen years after 1874; United States Senator for four years, and eleven years President of the Railroad Commission of Texas. In his long career and in discharging his varied official duties he has demeaned himself as a pure and unselfish patriot, a Christian gentleman and an able officer.

SECTION 2. That we tender to the Hon. John H. Reagan our congratulations on the fact that he will go to his retirement from public life cheered by the love and approbation of the people of Texas.

BOB BARKER,
Chief Clerk, House of Representatives.

MESSAGE FROM THE GOVERNOR.

To the Senate and House of Representatives.

Information concerning the condition of the State as the Constitution requires to be given to the Legislature by the Governor has been recently submitted by my predecessor and is accepted as accurate and reliable. What he has thus communicated in his message, as well as the estimates of the amount of money required to be raised by taxation for all purposes, I feel free to adopt and the same is, without entering into details or making extended repetition, again respectfully presented for your consideration. The reports and recommendations of those in charge of the various departments and the different divisions of the public service are also resubmitted and your attention thereto invited. The suggestions therein contained seem to be entitled to a patient hearing and investigation at your hands. Confined within the available revenues, necessary appropriations for promoting the efficiency and enlarging the usefulness of the instrumentalities of the public service and securing the best possible beneficial results, are not only advis-

able as a matter of general interest but are desirable from the standpoint of convenient and satisfactory administration.

It seems that some of our State institutions are in need of facilities not now afforded. A delayed appropriation for repairs or essential improvements not only intensifies the embarrassment and serves to impair the operations that ought to be conserved, but frequently brings about a serious loss to the investment already made. Timely attention in such cases is a saving in the end. While proper economy is always in order, a neglect of present urgent demands possible to be met, is neither good policy in the conduct of Governmental matters nor is it sound from a true financial standpoint. In ordinary business management, it is usually well to take care of valuable resources on hand and prevent their deterioration. The same rule is applicable to public affairs.

What I desire to impress upon your serious reflection at the very threshold of your legislative work, is the fact that representing as this Legislature and Administration do, the agencies selected by the dominant political organization of the State, and being obligated to a due observance of the platform demands of the party that has chosen us, it is our bounden duty to execute the covenants made with the people of the State by its authorized action, and we owe it to party and people to resolve into statute the declarations of policy and purpose as shown in the work and word of our last State convention. We have had a long lease of power and responsibility. They have not been abused in the past, and to retain the future confidence of the people, it is of the highest importance as well as a patriotic duty that we fully live up to the promises that have been made. Let nothing required to be written into law as demanded of you or favored by our platform, fail at your hands to be put upon the statute books. Subject only to the limitations of the Constitution should the avowed policy of a party successful at the polls be fully carried out. It is not believed that a large amount of new legislation is needed, aside from that thus indicated. Too many laws—too much government are not desirable. Only such matters as the actual conditions and public necessities call for, should consume our time or absorb our attention. We should avoid any ill-advised experimentation.

While recommending our platform demands as an entirety and without spec-

ial discussion of each in its order—it not being intended to now submit an exhaustive message—I shall content myself for the present, with saying that from time to time as occasion may arise, I expect to avail myself of the privilege as well as endeavor to discharge my duty by inviting your attention to such measures as may appear to be of additional importance. I feel impelled, however, to say, while not under-rating a single one of these demands, and earnestly urging each and all of them upon your considerate notice, that there are some features thereof which, in my opinion, ought to be accentuated at this time. Among them are these declarations which are regarded as of the utmost significance:

“We favor a broad and enlightened policy towards capital and corporations doing business within our State and towards those desiring to enter our State for the purpose of developing its great natural resources and for the protection of such, as well as for the protection of all our people, without regard to condition; we declare our opposition to trusts, mergers and other combinations for the restriction of trade, and demand that the next Legislature shall pass a law or amend our present laws so that it will be impossible for such corporation to do business in Texas.” There would seem to be no extended elaboration necessary to this admirable statement, in order to convince the intelligent and well-informed lawgivers who compose our Legislature, or the purpose and policy of our people.

We all desire the investment of capital in our State and welcome the introduction of every legitimate business concern, with the hope that it may do well and prosper among us. While seeking to protect our people against the schemes of avarice and corporate dominion, we have no disposition to check or obstruct industrial progress, nor cause well-disposed capital to halt at our borders. We desire nothing that will delay the coming or prevent the rightful and orderly employment of capital, or that will be unjustly severe upon its investment and honest operation. We are cheerful to accord to that now among us, or yet to come, every proper right, but we cannot bestow upon it any immunity inconsistent with the true interests of the people and contrary to the basal principles of justice to all, in order either to induce it to remain or persuade it to enter our midst. We all wish to foster the development of the great natural resources of our State and to see every honest industrial enterprise stimulated and upheld; but

this can be accomplished without doing violence to correct principles and sound governmental policies. We are not unmindful of the fact that there are great interests and vast concerns beyond the compass of individual power or ordinary partnership and the capital of any one man. We make no war on the legitimate corporation which is necessary and useful in the promotion and successful conduct of the many deserving enterprises of the times. A proper combination of the resources of wealth and skill is indispensable to the operations of the great industrial, manufacturing and commercial business of the country. No conservative man, no sound political economist, would impair, much less destroy, any lawful corporation in the suitable exercise of functions not harmful to the well-being of the people nor injurious to the common rights of men.

It is conceded that the decision of the Supreme Court of the United States in what is known as the Illinois case has practically nullified, to say the least, a portion of our anti-trust laws. There is a contrariety of opinion as to the full extent to which it affects our previous legislation upon this subject, it being believed by many of our able lawyers that our statute passed in 1899 is still in effect, while others maintain that it is no longer operative. The consensus of opinion seems to be that our legislation of 1889 and 1895, relating to trusts, is no longer valid and enforceable. In the absence of some authoritative and final judicial determination by the Federal court of last resort, concerning the constitutionality of our Act of 1899, we cannot afford to leave this matter in any incertitude, and hence it seems essential that we should re-enact our statutes of 1889 and 1895, or add so much thereof as may be necessary to that of 1899, omitting any provisions that would come within the inhibition defined by the Supreme Court in the case to which reference has been made.

In addition, it is respectfully suggested that there must be some way whereby the federation of corporations in restraint of trade and wrongful consolidations of competing properties can be prevented. The State must have the power “to protect itself against the abuses of the privileges it grants.” There must be “plain law and plain sense enough to deal with corporate abuses, abuses, which, if allowed to thrive and become general, must inevitably lead to the oppression of the people and ultimately to the subversion of their political rights.” “There can be no immunity to evasion of the policy of the State by its own creations.”

"To create one corporation for the express purpose of enabling it to control all the corporations engaged in a certain kind of business, and particularly a business of a public character, is not only opposed to the public policy of the State, but is in contravention of the spirit if not the letter of the Constitution. To create one corporation that it may destroy the energies of all other corporations of a given kind and suck the very life-blood out of them is not a lawful purpose."

"As corporate grants are always assumed to have been made for the public benefit, any conduct which destroys their normal functions and maims and cripples their separate activity, and takes away their free and independent action, must so far disappoint the purpose of their creation as to offset unfavorably the public interests, and that to a much greater extent when beyond their own several aggregations of capital they compact them all into one combination, which dominates the range of an entire industry. It is not a sufficient answer to say that similar results may be lawfully accomplished, that an individual having the necessary wealth might have bought all these properties and manned them with his own chosen agents and managed them as a group at his sovereign will: for it is one thing for the State to respect the rights of ownership and protect them out of regard to the business freedom of the citizen, and quite another thing to add to that possibility a further extension of those consequences by creating artificial persons to aid in producing such aggregations. The individuals are few who hold in possession such enormous wealth, and fewer still who peril it all in a manufacturing enterprise; but if corporations can combine and mass their forces in a solid trust or partnership, with little added risk to the capital already embarked, without limit to the magnitude of the aggregation, a tempting and easy road is open to enormous combinations vastly exceeding in number and in strength and in their own power over industry and possibilities of individual ownership; and the State by the creation of the artificial persons constituting the elements of the combination, and failing to limit and restrain their powers, becomes itself the responsible creator, the voluntary cause of an aggregation of capital which it simply endures in an individual as the product of his free agency. What it may bear is one thing; what it should cause and create is quite another."

I have quoted above the language of great jurists in adjudicated cases, and

that what they say is sound in legal philosophy as well as wise in public policy, must be apparent to every candid mind. Our people say in no uncertain terms that they are "opposed to trusts, mergers and other combinations for the restriction of trade," and we owe it to them and ourselves to see to it that their opposition is made effective. Public interest has been quickened to the necessity of legislation, State and Federal, for protection against corporate abuses and the destruction of competition. The internal commerce of our State is so large and expanding, our territorial area and boundaries are so extensive, our industries are so abundant and diversified, our normal development is so gratifying and progressive, that whatever may be the usual limitations by virtue of the interstate powers conferred on Congress in their application to smaller States, we have intrastate interests of such present magnitude and future possibilities as to require of us the proper and reasonable use of any jurisdiction we possess in restraint of illegal combinations and in order to promote free competition; and the necessity for anti-monopoly statutes reaching all the devices of human cupidity in corporate organization is perhaps more exigent in Texas than in most if not any of our sister States. Give the trusts and monopolies unlimited license and unrestrained power, allow conspiracies for gain to work their will and ways without let or hindrance, and ere long individualism will be obliterated and the masses will be reduced to practical servitude. It is against the ethics of civilization, the proprieties of life, the genius of our institutions, the equities of good government and the conscience of a free people that aggregated capital and the artificial creature—the federation of corporations—should be allowed to use their tremendous power to oppress mankind. I emphasize these suggestions by quoting the words of the able Attorney General of our State: "If one large corporation can be allowed to acquire and operate competing plants, the effect is exactly the same as if such competing plants should make contracts with each other by which competition would be suppressed and prices regulated." Whatever legislation may be needed to meet this phase of corporate aggrandizement and to prevent such encroachment upon the freedom of commerce, to stop the coalition of competing associations into one mammoth concern which can "destroy the normal functions and maim and cripple the separate activity" of other organizations formerly independent of the combina-

tion, should receive the most serious consideration and resolute action at the hands of the law-making power of the State, and to this consummation your talents and energies are earnestly summoned.

— "To protect the fairness and purity of primary elections or conventions and adequately punish for illegal voting or corrupt practices," is not only demanded by the announced will of those who have selected you and through whom you hold your commissions to legislate, but is in keeping with the essential spirit of our institutions. Our best civilization, our common morality, our dignity as a State, our standing as a people, the respectability of our representative government, our true manhood and the high character of our constituted public agents, all unite in emphasizing the vital importance of preserving the purity and the freedom of the ballot. All appropriate amendments to our present laws or additional legislation having these objects in view, should receive your prompt and careful attention.

The State must have the necessary means for the successful conduct of its business affairs, for the adequate maintenance of all its institutions and to discharge its numerous obligations. "The honest payment of its debts and sacred preservation of its public faith" must be in all respects observed; and to these ends, it is meet that no proper subject of taxation should be allowed to escape just rendition and assessment. No dislocation of cash or credits, nor concealment of intangible and invisible property should be resorted to nor permitted in order to evade that contribution to the public revenues which they should appropriately bear. Taxation should be equitably imposed and distributed, and its burden be proportionately and as far as possible uniformly borne. No county, rich in resources and unembarrassed by local obligations or the necessities of its own administration, should permit a reduction of its property valuations so as to result in a diminution of the returns which the law enjoins that it should make to the State Treasury. Its obligations to the State are not affected because it may be comparatively free from debt or may obtain ample means to meet its immediate expenses by lower taxation than may be necessary in other counties. If every legitimate source of revenue shall properly respond to the claims of the State, the assessable values of our people are believed to be sufficient to meet all the requirements of economic State administration and justify a decrease in the rate of taxation. No discrimination in bearing public burdens,

no avoidance of complete rendition, no favoritism of assessors nor partial discharge of their duties to the public, should be tolerated, nor allowed to stand in the way of the State's receiving that which each citizen, corporation or franchise owes to its support. These propositions can not be too strongly emphasized. It is earnestly recommended that whatever changes in our laws or penalties for their infraction, that may be necessary to secure these objects, shall receive appropriate treatment at your hands.

"The improvement of our county roads and the passage of laws under which a comprehensive system of public roads may be had at the smallest expense to the people, and also the enactment of laws providing for the employment, as far as practicable, of short term State convicts on the public roads in counties making suitable provision therefor, and the employment of State penitentiary convict labor on work not in competition with free labor, as far as practicable, and that such prisoners be employed within the walls of the penitentiary and on farms operated by the State on its own account," are propositions emanating from that high political authority which it is our duty to respect, and to which we should feel ourselves committed, for such is the expressed will of our State convention. No more interesting and practical subject in recent years has attracted public attention throughout the country than the improvement of our common highways. Its wise treatment and correct determination will result in incalculable benefit to the people. The blessings flowing from good roads can hardly be overestimated. The vast and varied agricultural intertsts of the State, increase in the value of farm lands, the easy transportation of farm products, the reduction of expense and discomfort in rural travel, the saving in the wear and tear of the farmer's vehicles, the stimulation of local commerce, the upbuilding of country communities and facilitating their intercourse with county sites and trading points, the prompt delivery of mails, with other untold incidental advantages to farm life and occupation—all of these and accompanying utilities will be promoted by the systematic construction and improvement of our county roads. Nothing, perhaps, of greater economic importance challenges your best efforts than the enunciation of our platform on this plain yet momentous and far-reaching subject. It is earnestly commended to the legislative mind in the hope that its proper solution may be accomplished.

The hiring of convicts to private con-

tractors, to be worked outside the penitentiary walls, has been long reprobated, and our State officials under different administrations have expressed their dissatisfaction with and declared their objections to the continuance of such a practice. The only assignable reason why it has not long since been abandoned is the fact that a financial profit has resulted from its operations. Nothing in the philosophy of penology, nor correct principle in the disposition of convicts, nor wise administration of our penitentiary system can be appealed to for a justification of the course that has been pursued. It rests alone upon the consideration that the State has made money by such a disposition of its prisoners; and the fact further remains that others have thereby made money for themselves; and it is conceded that abuses have consequently arisen which have been a cause of much adverse criticism and public discontent. It is gratifying to believe that we are rapidly approaching the time when additional convict labor can be expended on our State farms which have been enlarged by recent investments, and which may perhaps be still further expanded to the advantage of the State, and that short term convicts, not needed for the State industries indicated, can be utilized for the improvement of our common roads, as suggested in the plank of the platform quoted.

It seems proper to remark in this connection that I am not prepared to say, without legislative sanction, that the iron industry at our penitentiary at Rusk should be immediately abandoned. It must be borne in mind that the original location of this penitentiary was in consequence of the supposed abundance of iron ore in that region, and that there are, it is claimed, plentiful resources of this raw material contiguous, some of which are owned by the State, and that mineral reservations are held by the State in adjacent lands not possessed by it. The State has expended large sums in the efforts to operate this industry. It owns plants and machinery and railroad and other properties in connection therewith. The entire establishment with its adjuncts represents the investment of great amounts of money. I am not unaware of the fact that the speedy discontinuance of this enterprise has been strongly recommended by those connected with the administration of the penal system of the State, and that it is emphasized in official reports that financial sacrifice of large proportions has attended operations in the past, and must inevitably follow their prosecution in the

future. The question suggests itself as to whether these previous results have ensued because of inadequate machinery and the lack of suitable modern facilities and systematic operation, or on account of the impossibility of carrying on the work in such way as to be profitable or self-sustaining or expedient, in consequence of the paucity or inferiority of the ore, inability to procure fuel and other indispensable means to keep up the enterprise, or obvious inherent obstacles and absence of resources and materials without which no desirable objects could be accomplished. If the latter be the case, the sooner the plant and allied properties are disposed of or converted into something useful, the better it would seem to be for the interests of the State and prison administration. If, however, the ore available be of sufficient quality and quantity, and all the instrumentalities required for its reduction and manufacture are accessible at reasonable cost and will continue so to be for any considerable number of years, should the State surrender the investment already made or part with its property at a sacrifice, for want of a suitable appropriation for any proper equipment of what it has already constructed? Because it has not paid enough to sustain the entire expense of the Rusk prison, with a penal colony in excess of the number of operatives employed in this industry, and even the fact that it has thus far been operated at a loss, are not of themselves conclusive reasons for immediate abandonment. Can it, by a reasonable additional outlay be made useful to the State, or to subserve a good purpose in convict employment and prison management? Long term prisoners should be worked within the prison walls, and they should be kept at work even if their labor be unremunerative. It will not do to hold them in idleness. Both the penalties of the law and the enforcement of discipline demand their active employment. If this iron industry shall be summarily shut down and closed out, what is to be done with these long term convicts? Are they needed or can they be profitably utilized in addition to those already engaged in the manufacture of furniture and other employments which are being conducted both at Rusk and Huntsville? If it be possible to supply iron products required in the different institutions of the State, and to any considerable extent by the people at large, and thereby measurably make ourselves independent of outside markets; if, incidentally, our iron resources in the State should be advertised and capital should in consequence be invested in their development; if even a limited

and local competition with great corporations in the iron trade and a modest defiance of their dictation of prices can be asserted, is it not apparent that some useful public purposes may not be subserved. These suggestions are submitted for your candid and intelligent consideration without any assumption of superior information upon the part of him who makes them, or his possession of ascertained or specific facts at variance with the statements found in the reports of our penitentiary officials. It is desirable to avoid any improvident expenditure of the public money, and no rash experiment calculated to involve the State in serious financial loss or to bring about any unnecessary deficiency, is to be contemplated, but the matter of immediate discontinuance of this industry and permanent abandonment of all operations connected therewith is believed to be of such importance, as to call for impartial and thorough inquiry upon the part of the Legislature, and such further action as their wisdom may deem appropriate. Your careful investigation and matured judgment are accordingly solicited.

The educational interests of our State are of immeasurable importance. The suggestions contained in the last report of the Superintendent of Public Instruction looking to a revision and simplification of our statutes on the subject of the public common schools and a unified system of school laws, are forcefully made, and seem worthy of careful consideration. Inconsistent statutes or chaotic conditions in existing laws should be remedied. The substantial reenactment of the present uniform text-book law is embodied among the policies announced in the instructions we have received from the people to whose service we are committed. Nothing that looks to proper educational activity, needful opportunity, and the suitable training of the youth of the State should escape our attention. "A general diffusion of knowledge, being essential to the preservation of the liberties and rights of the people" is with us a basal proposition, and it should be the ambition of every citizen of the State that the utmost development and highest fruition of our peculiar advantages should be accomplished. Wherever the scope of practical instruction can be beneficially broadened, wherever valuable technical wisdom can be inculcated, in whatever line our young men and young women can be prepared to teach and apply useful knowledge, in whatever way we can wisely uplift the cause of education and make the output of our

schools a source of future reliance and upon which requisition can be had at all times and in all callings, are fields worthy to be explored. The best attainable order and most competent administration of our educational system will be approved by all our people, and the benefits flowing therefrom are beyond computation. "Generous dealing with all State educational institutions" and kindred suggestions have been impressively formulated in our platform, and within the boundaries of judicious economy, our efforts should be correspondingly directed.

The Constitution enjoins that the Governor "shall account to the Legislature for all public moneys received and paid out by him from any funds subject to his order, with vouchers." If this be obligatory on the Chief Executive, how strong must be the application of the policy and principle involved to every one engaged in the public service who becomes the custodian of or disburses moneys held in trust for the benefit of the State. A wise system of public accounting for the receipt, disposition and expenditure of every dollar of public funds in whatever hands they may be placed, whereby it may be easily ascertained just when, how, where, in whose behalf, in what amounts and for what specific purposes, the moneys of the State have been and are being used, should not only result in economical administration, but serve as a constant reminder and stimulus to excellence of conduct and rigid responsibility on the part of all public servants. A systematic examination of the books and auditing of the accounts in the departments and subdivisions of the public service will enable the people and their agents to discover, on short notice, the exact condition of the fiscal affairs of their Government, both in substance and detail, and if anywhere wastefulness, extravagance or mismanagement shall be found, as a result of such inquisition, a speedy correction can be had. Whoever will misapply or make any wrongful use of the least amount of the State's money, only awaits the opportunity for graver delinquency. After all, the State, in fiscal respects, is but a great business establishment which should be conducted in keeping with strict business principles and accountability. "Economy in the public expense" should never be disregarded in the least degree, but held constantly in view even as to the smallest transactions.

The Legislature is the real source to

which the people must finally look for all needed reforms, sound policies and suitable enactments, and a responsibility that can neither be avoided nor transferred rests upon each and every individual composing its membership. It is a great and solemn duty to make laws for more than three millions of people and others yet to come. It is a great thing to be a law-giver in Texas.

Parliamentary order, decorum in procedure, systematic work, prompt attendance upon committees and the sessions of the respective houses and reasonable dispatch of the public business are indispensable to useful and satisfactory results. Absenteeism is one of the banes of legislative assemblies, resulting in unseemly delays, annoying inconvenience to those whose sense of duty keeps them present and positive detriment to the interests of the people. The place of any man connected with the public service is where that service is to be rendered; absence therefrom without sufficient reason, can neither be justified in personal conscience, nor will it be condoned by the constituency that has chosen him. I rely with confidence upon your wisdom and devotion to duty, and bespeaking your guidance and duty, and bespeaking your guidance and support in my own behalf, I sincerely trust that your deliberations may prove gratifying to yourselves and that your work may meet the expectations of our people and redound to the substantial and enduring good of the State.

S. W. T. LANHAM,
Governor.

Senator Stafford called up House Concurrent Resolution No. 3, and

Moved that it be adopted by a rising vote.

The resolution was unanimously adopted.

(Senator Stafford in the chair.)

By unanimous consent, the following bill was introduced:

By Senator Davidson of DeWitt:

Senate bill No. 49, A bill to be entitled "An Act for the relief of James J. Jones."

Read first time, and referred to Committee on History and Statistics.

On motion of Senator Hicks, the Senate took a recess for twenty minutes.

AFTER RECESS.

On motion of Senator Harbison, the Senate, at 11:35 o'clock, adjourned until tomorrow morning at 10 o'clock.

EIGHTH DAY.

Senate Chamber,
Austin, Tex., Thursday, Jan. 22, 1903.

Senate met pursuant to adjournment. Lieutenant Governor Geo. D. Neal in the chair.

Roll call. Quorum present, the following Senators answering to their names:

Beaty.	Harper.
Brachfield.	Henderson.
Cain.	Hicks.
Davidson of	Hill.
Galveston.	Lipscomb.
Decker.	Martin.
Douglass.	McKamy.
Faubion.	Morris.
Faulk.	Paulus.
Faust.	Savage.
Grinnan.	Sebastian.
Hale.	Stafford.
Hanger.	Willacy.
Harbison.	Wilson.

Absent.

Davidson of	Patteson.
DeWitt.	Perkins.

Mills.

Prayer by Chaplain, Rev. I. S. Davenport.

Pending the reading of the Journal of yesterday.

On motion of Senator Savage, the same was dispensed with.

COMMITTEE REPORT.

Committee Room,
Austin, Tex., Jan. 21, 1903.

Hon. Geo. D. Neal, President of the Senate.

SIR: Your Committee on Judicial Districts, to whom was referred

Senate bill No. 43, A bill to be entitled "An Act to create the Sixtieth Judicial District of the State of Texas in Jefferson county, additional to the Fifty-eighth Judicial District therein, to establish a court, provide for a judge and clerk of such new district, to regulate the venue of the courts of such respective districts, and the disposition of the business therein, and to define the jurisdiction, the boundaries and the terms thereof, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

BEATY, Chairman.

BILLS AND RESOLUTIONS.

By Senator Faust:

Senate bill No. 45. A bill to be entitled "An Act to amend Article 553, of Chap-